

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:16-CV-138-D

DONALD VAN DER VAART, and )  
NORTH CAROLINA DEPARTMENT )  
OF ENVIRONMENTAL QUALITY, )  
 )  
Plaintiffs )  
 )  
v. )  
 )  
GINA MCCARTHY, Administrator, and )  
UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Defendants. )

**ORDER**

On June 3, 2016, defendants moved to dismiss the complaint. See [D.E. 12]; Fed. R. Civ. P. 12(b)(1). On June 24, 2016, plaintiffs filed a first amended complaint. See [D.E. 14]. On July 15, 2016, defendants filed an answer to the first amended complaint. See [D.E. 18].

In light of the first amended complaint and answer, defendants' motion to dismiss [D.E. 12] is DENIED as moot.

SO ORDERED. This 20 day of July 2016.

  
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JAMES C. DEVER III  
Chief United States District Judge